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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,200	02/04/2004	Pamela Jones-Morton	HON 1448-049	4236
8698	7590	02/12/2010	EXAMINER	
STANDLEY LAW GROUP LLP			PATs, JUSTIN	
6300 Riverside Drive			ART UNIT	
Dublin, OH 43017			PAPER NUMBER	
			3623	
			MAIL DATE	
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			02/12/2010	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/772,200

Applicant(s)

JONES-MORTON ET AL.

Examiner

JUSTIN M. PATS

Art Unit

3623

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 25 January 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1,2,4-8,10,12 and 15-19.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Andre Boyce/  
Primary Examiner, Art Unit 3623

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments hinge on the notion that the timing in their claimed invention is nonobvious when compared to that of the cited prior art. In response, Examiner respectfully disagrees. In addition to the cited passages of Rosnow, Examiner notes that Harvey discusses the expatriate selection process as applied in the Euro Disney Project (Harvey, pg. 106, column 3). Although not explicitly stated in Harvey, this project, which eventually produced the product of Euro Disney now known as Disneyland Paris, was over a period of years from conception to the opening of the park, 1987-1992, during which associates were selected for expatriate assignments so as to work at the new theme park. Therefore, Harvey's disclosure of Euro Disney as an example of an expatriate selection process at least suggests that the temporal arrangement claimed by Applicant was old and well known at the time of the invention.

Applicant further argues that Rosnow is nonanalogous art and not combinable with Harvey and Mayer. Applicant's Remarks, 1/25/10, pg. 12. In response, Examiner respectfully disagrees. Specifically, Applicant contends that the Rosnow is non-analogous because its timelines do not relate to selection of personnel for job positions or assignments, and that personnel are selected to fill positions prior to defining tasks or establishing deadlines for the project. However, Rosnow explicitly states, at least in paragraph 0218, that after the project is conceived, the project leaders select tasks for the project, and then selects duration and personnel in the form of an individual or group to complete each task. Furthermore, Rosnow is analogous because although its timelines are not explicitly directed to expatriate assignment selection, similar to the claimed invention, Rosnow's timelines are directed to a process which includes selection of personnel and implementation of those personnel to complete a job by a particular date. As such, Rosnow is considered analogous and combinable with Harvey and Mayer.

Finally, Examiner notes that the fact that the process is done over a period of years versus a lesser or more general period of time is arguably nonfunctional descriptive material or an intended use of the invention and not patentably distinguishable because there is nothing positively recited in the claimed selection process that functionally requires the process to be one of years and not one of months as in Rosnow or general timeframes layed out by Harvey in its Dynamic Selection Process for International Personnel.